

S U M M A R Y A C T I O N M I N U T E S



REGULAR MEETING OF THE BOARD OF SUPERVISORS ORANGE COUNTY, CALIFORNIA

Tuesday, January 11, 2005, 9:30 AM

BOARD HEARING ROOM, FIRST FLOOR
10 Civic Center Plaza
Santa Ana, California

BILL CAMPBELL
CHAIRMAN
Third District

THOMAS W. WILSON
VICE CHAIRMAN
Fifth District

LOU CORREA
SUPERVISOR
First District

JAMES W. SILVA
SUPERVISOR
Second District

CHRIS NORBY
SUPERVISOR
Fourth District

ATTENDANCE: Supervisors Correa, Campbell, Norby & Wilson

EXCUSED: Supervisor Silva

PRESENT: COUNTY EXECUTIVE OFFICER Thomas G. Mauk
COUNTY COUNSEL Benjamin P. de Mayo
CLERK OF THE BOARD Darlene J. Bloom

INVOCATION: Supervisor Norby, Fourth District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Wilson, Fifth District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Supervisor Wilson - Outgoing Chairmans remarks

II. CONSENT CALENDAR (Items 1-28)

51243 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEMS 4, 9 & 21**
X **WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE; AND ITEM 12**
 WHICH WAS CONTINUED TO 1/25/05, 9:30 A.M.

DEPARTMENT APPOINTMENTS

1. **Health Care Agency** - Dental Health Advisory Board - Appoint Ernestina Avalos-Figueroa, Aliso Viejo, to complete term ending 10/25/05

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COMMENDATIONS/PROCLAMATIONS

2. **Chairman Campbell** - Adopt resolution congratulating Orange Lutheran High School Lancer Football Team on their CIF Southern Section Division VI Championship
RESO: 05-001

HEALTH CARE AGENCY

3. Approve agreement with Community Action Partnership of Orange County for 5-a-Day Power Play Nutrition services, 1/1/05 - 9/30/05 (\$112,500) - All Districts

HOUSING AND COMMUNITY SERVICES DEPARTMENT

4. Adopt resolution approving Orange County Veterans Advisory Council Bylaws amendments reflecting recent revisions made to Board of Supervisor's legislative policy - All Districts
41253
X
APPROVED AS RECOMMENDED
RESO: 05-002
5. Approve amended agreement with Anaheim for administration and implementation of Senior Wheels Transportation Program, 2/1/05 - 3/31/05 (\$61,280; new total \$337,040); and authorize Director or designee to execute agreement - Districts 1, 2, 3 & 4
6. **Acting as the Board of Supervisors and Orange County Housing Authority** - Approve submission of grant applications to U.S. Department of Housing and Urban Development for FY 2005 SuperNOFA funds; authorize Director or designee to execute related documents; and direct Agency to report back to the Board with final project recommendations for the Continuum of Care Homeless Assistance Program - All Districts

INTEGRATED WASTE MANAGEMENT DEPARTMENT

7. Approve amendment 2 and consent to assignment to waste disposal agreement with Greenday Disposal, Inc., for disposal of in-County waste, effective 1/11/05; and authorize Director to execute related documents - All Districts

JOHN WAYNE AIRPORT

8. Approve assignment of lease from Newport FBO Two, LLC to North America Capital Holding Company; approve amendment 5 to lease; and make California Environmental Quality Act and other findings - District 2 (4/5 vote)

ORANGE COUNTY PUBLIC LIBRARY

9. Authorize submission of grant application to and acceptance of grant award from California State Library for Library Services and Technology Act Small Business Services Program II (\$63,250) - All Districts
35124
X
APPROVED AS RECOMMENDED

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RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

10. Accept work with Harline Enterprises Inc. for ADA restroom building, Laguna Niguel Regional Park, project completed 11/12/04 (\$182,732.93) - District 5
11. Receive bids and award contract to De La Secura, Inc. dba DLS Builders for renovation of laundry room and replacement of dining floor, Probation Joplin Youth Center (\$65,165) - District 3
12. Approve amendment 2 to operating agreement with Dana Point Marina Company, LLC for operation of guest docks in Dana Point Harbor; and adopt resolution amending Harbors, Beaches and Parks fee schedule - District 5 (Continued from 11/23/04, Item 15; 12/7/04, Item 16; 12/14/04, Item 16; 12/21/04, Item 27)
- 51243
X **CONINTUED TO 1/25/05, 9:30 A.M.**
13. Accept easement deed from Steven U. Parker, Mark U. Parker and Linda Laval, land owners for conservation purposes, Trabuco Canyon; and make California Environmental Quality Act and other findings - District 3
14. Adopt resolution certifying completion of street improvements, street lights, landscaping and storm drain; authorizing release of security and accepting public street improvements, street lights, sewer and water systems, landscaping, storm drain and monumentation, Tract 15619, DMB Ladera, LLC, Ladera Ranch area - District 5
RESO: 05-003
15. Approve price agreement N1000006472 with County Radiator for radiator repair services, 1/13/05 - 1/12/06 (\$60,000); renewable for two additional years; and make California Environmental Quality Act findings - All Districts
16. Approve price agreement N1000006476 with Parkhouse Tire for tire repair services, 1/13/05 - 1/12/06 (\$60,000); renewable for two additional years; and make California Environmental Quality Act findings - All Districts
17. Accept grant deed from Jonathan Nguyen and Ann Bui-Nguyen for a section of the Newport Boulevard Regional Riding and Hiking Trail; and make California Environmental Quality Act and other findings - District 3
18. Approve amended agreement 02-177-559-1 with State Water Resources Control Board for funding of construction of a low flow infiltration/sand filter at the outlet of Munger Storm Drain; and make California Environmental Quality Act findings - District 5
19. Approve amended agreement D01-112 with South Orange County Wastewater Authority for access and use of coastal treatment plant bridge for maintaining and operating stream gauging station, Aliso Creek, extending term to 10/4/07; and authorize Director to execute extensions to agreement under certain conditions - District 5
20. **Acting as the Orange County Flood Control District** - Approve plans and specifications and set bid opening for 2/2/05, 2:00 p.m., for Aliso Creek Channel repair - District 5
21. **Acting as the Board of Supervisors and Orange County Flood Control District** - Approve

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43125
X

price agreement N1000006368 with MRF Geosystems Corporation for web-based software maintenance service, effective 2/1/05 (\$23,868); renewable for two additional years - All Districts
APPROVED AS MODIFIED TO DIRECT THAT FUTURE RENEWALS RETURN TO THE BOARD FOR APPROVAL

SOCIAL SERVICES AGENCY

- 22. Select various providers as primary and as alternate firms for Child Abuse Prevention and Intervention services 7/1/05 - 6/30/06, and authorize negotiation of agreements for Board approval; and authorize negotiation of agreement with Orange County Child Abuse Prevention Center for Foster Family Support services - All Districts
- 23. Approve amended price agreement N1000005674 with GTL Incorporated for protective monitoring devices and communication services for seniors, 3/1/04 - 2/28/05 (\$6,000; new total \$61,000); renewable for two additional years (\$70,000 per year) - All Districts
- 24. Select Orangewood Children's Foundation as primary and Olive Crest Treatment Centers, Inc. as alternate providers of Emancipation and Independent Living Programs; and authorize negotiations of agreement for Board approval, 7/1/05 - 6/30/06 - All Districts
- 25. Select Laboratory Corporation of America Holdings as primary and Norchem Drug Testing as alternate providers of drug testing services; and authorize negotiation of agreement for Board approval, 7/1/05 - 6/30/08 - All Districts

PUBLIC PROTECTION

Sheriff-Coroner:

- 26. Approve price agreement N1000006471 with Ecology Control Industries for hazardous waste hauling and disposal, 1/11/05 - 1/10/06 (\$27,000); renewable for two additional years - All Districts
- 27. Approve agreement with La Habra for provision of Workforce Investment Act youth program services, 7/1/04 - 6/30/05 (\$5,500); and direct payments for services rendered be deposited into Fund 144 - District 4
- 28. Authorize sole source modification to purchase order PC 055L0022624.04 with NW Painting to remove lead paint on the communications tower, Theo Lacy Jail facility (PC055L0024923.05, \$65,890; new total \$134,590) - District 3

END OF CONSENT CALENDAR

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III. DISCUSSION ITEMS (Items 29-S46C)

HEALTH CARE AGENCY

29. Approve amendment 2 to agreements with AIDS Services Foundation/Orange County for HIV Services, 3/1/04 - 2/28/05 (\$227,730; new total \$1,633,988) and for HIV Housing Services, 7/1/04 - 6/30/05 (\$5,000; new total \$599,500) - All Districts
51243 **APPROVED AS RECOMMENDED**
 X
30. Approve agreement with State Department of Health Services for AIDS related services, 7/1/04 - 6/30/07 (\$9,200,372); approve Certification Clauses Form CCC-304; and authorize Director or designee to sign Memorandum of Understanding - All Districts
54123 **APPROVED AS RECOMMENDED**
 X
31. Approve agreement 04-74087-000 with State Department of Mental Health for Conditional Release Program, 7/1/04 - 6/30/05 (\$997,283); and approve Certification Clauses Form CCC-304 - All Districts
45123 **APPROVED AS RECOMMENDED**
 X
32. Approve amended agreement with PacifiCare Behavioral Health, Inc. dba PacifiCare Behavioral Health Administrator for Administrative Services Organization for Specialty Mental Health Outpatient services, 7/1/04 - 6/30/05 (\$550,000; new total \$5,300,841) and 7/1/05 - 6/30/06 (\$550,000; new total \$5,300,841) - All Districts
45123 **APPROVED AS RECOMMENDED**
 X
33. Approve agreement with State Department of Alcohol and Drug Programs for five year Comprehensive Drug Court Implementation grant, 12/29/04 - 12/28/05 (\$692,992) - All Districts
51243 **APPROVED AS RECOMMENDED**
 X
34. Approve agreement with State Department of Health Services for Health Resources and Services Administration National Bioterrorism Hospital Preparedness Program, 9/1/03 - 8/31/04 (\$2,306,652) - All Districts
43125 **APPROVED AS RECOMMENDED**
 X

HOUSING AND COMMUNITY SERVICES DEPARTMENT

35. Authorize submission and acceptance of grant award from State Employment Development Department for Veterans Employment Related Assistance Program (\$500,000); approve agreements with Coast Community College District (\$230,000), Anaheim (\$140,000) and Santa Ana (\$68,000) for One-Stop Business Centers Services, commencing 2/1/05 - All Districts
53124 **APPROVED AS RECOMMENDED**
 X

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RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

36. Select Wayne C. Siu Architects as primary and Peyo & Associates as alternate firms for remodel of vacant space at Superior Court, North Justice Center; and authorize negotiation of agreement for Board approval - District 4

45123
X **APPROVED AS RECOMMENDED**

37. Approve amended operating agreement with Parking Concepts, Inc. for operation of Manchester Avenue Complex Parking Facilities, extending term to 5/31/07 (\$450,000) - District 3

34125
X **APPROVED AS RECOMMENDED**

38. Adopt resolution approving grant agreement with the California Department of Boating and Waterways for proposed improvements to the Dana Point Harbor Launch Facility; authorize Director to execute related documents; make California Environmental Quality Act findings and approve related budget adjustments - District 5 (4/5 vote)

54123
X **APPROVED AS RECOMMENDED**

RESO: 05-004

39. **Acting as the Board of Supervisors and Orange County Flood Control District** - Select various firms for on-call aerial photography and digital mapping services; and authorize negotiation of agreements for Board approval - All Districts

41253
X **APPROVED AS RECOMMENDED**

PUBLIC PROTECTION

40. **Sheriff-Coroner** - Consider first reading of "An Ordinance of the County of Orange, California Repealing and Replacing Section 3-1-3 of the Codified Ordinances of the County of Orange on the Establishment and Membership of the Emergency Management Council"; set second reading and adoption for 1/25/05, 9:30 a.m.; and adopt resolution establishing membership of Emergency Management Council, which shall rescind prior Resolution 01-212 - All Districts

45123
X **APPROVED AS RECOMMENDED**

GENERAL ADMINISTRATION

41. **Assessor Department** - Approve Joint Powers agreement with other California County Assessors for the Standard Data Record Network Group for electronic filing of business property statements; and authorize Assessor or designee to execute agreement, effective 1/11/05 - 6/30/07 - All Districts

45123
X **APPROVED AS RECOMMENDED**

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County Executive Office:

42. Consider continuation of 2005 membership in National Association of Counties (NACO)
(\$42,464) - All Districts

35124 **DIRECTED STAFF TO TERMINATE MEMBERSHIP WITH NACO FOR 2005**
X

43. Approve recommended positions on introduced or amended legislation and consider other
legislative subject matters - All Districts

DISCUSSED

44. Board Directive update - status report on hiring of County retirees - All Districts

B.O. **RECEIVED AND FILED**

45. **Registrar of Voters** - Discuss policy direction on Election Related Legislation - All Districts

B.O. **DELETED**

46. **Treasurer-Tax Collector** - Adopt resolution authorizing issuance of Rancho Santiago
Community College District General Obligation Bonds, Election of 2002, Series B
(\$120,000,000) - Districts 1, 2, 3 & 4

34125 **APPROVED AS RECOMMENDED**
X

RESO: 05-005

Chairman Campbell:

- S46A. Law Library Board of Trustees - Reappoint Barbara H. Evans and Dennis D. O'Neil, Irvine,
for terms ending 12/31/05

45123 **APPROVED AS RECOMMENDED**
X

- S46B. Adopt resolution commending George M. Chitty for his years of service to the Orange
County Chapter of the American Red Cross

45123 **APPROVED AS RECOMMENDED**
X

RESO: 05-006

- S46C. **County Counsel** - Adopt Resolution ratifying the proclamation of a local emergency by the
Chairman of the Board on January 10, 2005 relating to emergency conditions resulting from
current weather conditions - All Districts

34125 **PURSUANT TO GOVERNMENT CODE SECTION 54956.5, THE BOARD OF**
X **SUPERVISORS DECLARES AN EMERGENCY SITUATION REQUIRES THE BOARD**
TO TAKE ACTION TO RATIFY A PROCLAMATION OF A LOCAL EMERGENCY
WITHOUT THE REQUIRED AGENDA NOTICING AND POSTING REQUIREMENTS
DUE TO DAMAGE CAUSED BY SIGNIFICANT RAINFALL WITHIN THE COUNTY

51243 **APPROVED AS RECOMMENDED**
X

RESO: 05-007

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IV. PUBLIC HEARINGS (Item 47)

GENERAL ADMINISTRATION

47. **County Counsel - Acting as the Orange County Flood Control District** - Public Hearing to consider adopting resolutions determining the necessity of acquisition by eminent domain of real property, Prado Dam Project; and make California Environmental Quality Act findings- All Districts (2/3 vote) (Continued from 12/7/04, Item 27)

B.O. **CLOSED PUBLIC HEARING**

34152 **APPROVED AS RECOMMENDED**

X

RESO: 05-008 - 05-012

V. CLOSED SESSION (Items CS-1-SCS-2)

GENERAL ADMINISTRATION

County Counsel:

- CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: John Romandetti v. County of Orange, ANA 0367298
HELD, THE CLERK READ: THE BOARD BY UNANIMOUS VOTE, SUPERVISORS SILVA AND NORBY BEING ABSENT, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF JOHN ROMANDETTI V. COUNTY OF ORANGE. THE PROPOSED SETTLEMENT REMAINS SUBJECT TO FINAL APPROVAL OF OTHERS. AS SOON AS THE PROPOSED SETTLEMENT BECOMES FINAL, DETAILS WILL BE MADE AVAILABLE IN THE OFFICE OF CEO/RISK MANAGEMENT TO ANY PERSON WHO INQUIRES.
- SCS-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Barratt American, Inc. v. County of Orange, OCSC Case Nos. 814037 and 01CC04025
HELD, NO REPORTABLE ACTION

VI. PUBLIC, BOARD & EMAIL COMMENTS & ADJOURNMENT

PUBLIC COMMENTS:

Larry Laven - Oral Re: Use of MCAS El Toro property

Darrell Nolte - Oral Re: Planning Fees litigation; lack of bids for MCAS El Toro land and current weather conditions and associated problems

BOARD COMMENTS:

Chairman Campbell - Oral Re: Announced that he would present his 2005 Goals at the January 25, 2005 Meeting and would present his State of the County Address at the February 1, 2005 Meeting outlining 2004 countywide accomplishments and presentations by each Supervisor on their accomplishments and goals for 2005.

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ADJOURNED: 12:47 P.M.

13245

X

Adjourned in memory of Henry Tran

*** KEY ***

Left Margin Notes

- 1. = Supervisor Correa
- 2. = Supervisor Silva
- 3. = Chairman Campbell
- 4. = Supervisor Norby
- 5. = Supervisor Wilson

Right Margin Notes

- A. = Abstained
- X. = Excused
- N. = No
- BO = Board Order
- O. = Ordinance
- R. = Resolution

Above numbers refer to Supervisorial Districts (1st number = Moved by; 2nd number = Seconded by)

BILL CAMPBELL, CHAIRMAN
Orange County Board of Supervisors

DARLENE J. BLOOM
Orange County Clerk of the Board